

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO SAFFORD,)	08 C 0621
)	
Plaintiff,)	Judge Kennelly
)	
vs.)	
)	Magistrate Judge Mason
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

DEFENDANTS' JOINT MOTION FOR ENTRY OF A PROTECTIVE ORDER

_____ Defendant City of Chicago, by its attorney Mara S. Georges, Corporation Counsel for the City of Chicago, and Defendant Chicago Police Officers Roa and Daskocz, by their attorney Matthew Hader, Assistant Corporation Counsel, move this Court pursuant to Fed.R.Civ.P. 26(c), for entry of a protective order. In support thereof, Defendants state as follows:

1. Documents pertaining to the parties and non-parties will be sought and produced in this matter, including the production of personnel files and information such as disciplinary histories, Complaint Registers, confidential information regarding third-parties, and medical information covered by the Health Insurance Portability and Accountability Act. Complaint Registers contain personal information regarding party and non-party police officers including, but not limited to, personnel files and information, disciplinary documents, personal identifiers of officers and their families, and financial information. Complaint Registers also commonly contain personal identifiers of non-party civilian witnesses and may include medical information protected by federal law. Here, the Complaint Register regarding the underlying incident is still an open investigation.

2. Personnel files, disciplinary histories and related information are protected by several state statutes, including the Illinois Personnel Records Review Act, 820 ILCS 40/0.01 et seq., which protects the disclosure of employee personnel files, disciplinary histories and related information; Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7, which exempts personnel files and documents appropriately contained in personnel files (i.e., disciplinary records) from disclosure; and Rule 3.6 of the Illinois Supreme Court Rules of Professional Conduct and Rule 83.53.6 of the Northern District Local Rules¹, which prevent lawyers from making extrajudicial statements the lawyer knows or reasonably should know is likely to be disseminated by public media, and, if so disseminated, would pose a serious and imminent threat to the fairness of an adjudicative proceeding.

3. Defendants' proposed Protective Order would govern the discovery stage of this litigation and would prohibit the use of the specifically identified confidential information for any purpose other than the litigation of this case. The order would further prohibit the dissemination of this specifically identified material and information contained therein to parties outside this litigation, and requires their return to the producing party or their destruction at the conclusion of this litigation. Such an order would ensure the protection of such information, consistent with the principles of federal and Illinois law and protect against unfairness in the trial process.

4. For the foregoing reasons, good cause is established for entry of the proposed protective order.

¹The Committee Comments to the Local Rules acknowledge that it is "difficult to strike a balance between protecting the right to a fair trial and safeguarding the right of free expression." The Committee explains that "[p]reserving the right to a fair trial necessarily entails some curtailment of the information that may be disseminated about a party prior to trial, particularly where a trial by jury is involved."

WHEREFORE, Defendants request that this Court grant its motion and enter the attached Protective Order, which is attached hereto as Exhibit 1.

MARA S. GEORGES
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By: /s/ **Megan K. McGrath**
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